

BEST AVAILABLE COPY

In the Claims:

All pending claims are reproduced below.

Claim 1 (Withdrawn): A method for preventing or inhibiting angiogenesis in a person, the method comprising: identifying a person suffering from, or at risk of suffering from, angiogenesis; and administering an effective amount of a composition comprising of more than one berry extract to the person, wherein the composition is sufficient to prevent or inhibit angiogenesis in the person.

Claim 2 (Withdrawn): A method of claim 1, wherein administering the composition to the person reduces the amount of VEGF expression in that person.

Claim 3 (Withdrawn): A method of claim 1, wherein the effective amount of the composition is from 18 mg/dose-270 mg/dose and the cytotoxicity of the composition is lower than 0.5 LDH units/liter.

Claim 4 (Withdrawn): A method of claim 1, wherein the composition contains more than one berry extract selected from the group consisting of blueberry extract, bilberry extract, cranberry extract, elderberry extract, raspberry extract and strawberry extract.

Claim 5 (Withdrawn): A composition of claim 4, wherein the blueberry extract is a wild blueberry extract, the bilberry extract is a wild bilberry extract and the raspberry extract is a raspberry seed extract.

Claim 6 (Withdrawn): A method of claim 1, wherein the composition by weight is approximately 50% blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% raspberry extract, 2.5% elderberry extract and 2.5% bilberry extract.

Claim 7 (Withdrawn): A composition of claim 1, wherein the composition by weight is 50% wild blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% raspberry seed extract, 2.5% elderberry extract and 2.5% wild bilberry extract.

Claim 8 (Withdrawn): A method of claim 1, wherein the composition by weight is approximately 50% blueberry extract, 25% strawberry extract, 12.5% bilberry extract, and 12.5% raspberry extract.

Claim 9 (Withdrawn): A composition of claim 1, wherein the composition by weight is 50% wild blueberry extract, 25% strawberry extract, 12.5% wild bilberry extract and 12.5% raspberry seed extract.

Claim 10 (Withdrawn): A method for providing a compound with a high oxygen radical absorbance capacity, the method comprising: administering an effective amount of a composition comprised of more than one berry extract, wherein the composition has a higher oxygen radical absorbance capacity than the oxygen radical absorbance capacity of any one berry extract used in the composition.

Claim 11 (Withdrawn): A method of claim 10, wherein the composition has a higher oxygen radical absorbance capacity than an equal amount of GSPE.

Claim 12 (Withdrawn): A method of claim 10, wherein the composition has a lower cytotoxicity than an equal amount of GSPE.

Claim 13 (Withdrawn): A method of claim 10, wherein the effective amount of the

composition is 18 mg/dose-270 mg/dose and the cytotoxicity of the composition is lower than 0.5 LDH units/liter.

Claim 14 (Withdrawn): A method of claim 10, wherein the composition has an oxygen radical absorbance capacity above 40 Trolox equivalents/gm fresh weight basis.

Claim 15 (Withdrawn): A method of claim 10, wherein the composition contains more than one berry extract selected from the group consisting of blueberry extract, bilberry extract, cranberry extract, elderberry extract, raspberry extract and strawberry extract.

Claim 16 (Withdrawn): A composition of claim 15, wherein the blueberry extract is a wild blueberry extract, the bilberry extract is a wild bilberry extract and the raspberry extract is a raspberry seed extract.

Claim 17 (Withdrawn): A method of claim 10, wherein the composition by weight is approximately 50% blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% raspberry extract, 2.5% elderberry extract and 2.5% bilberry extract.

Claim 18 (Withdrawn): A composition of claim 10, wherein the composition by weight is 50% wild blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% elderberry extract, 2.5% wild bilberry extract and 2.5% raspberry seed extract.

Claim 19 (Withdrawn): A method of claim 10, wherein the composition by weight is approximately 50% blueberry extract, 25% strawberry extract, 12.5% bilberry extract, and 12.5% is raspberry extract.

Claim 20 (Withdrawn): A composition of claim 10, wherein the composition by weight is 50% wild blueberry extract, 25% strawberry extract, 12.5% wild bilberry extract and 12.5% raspberry seed extract.

Claim 21 (Withdrawn): A method of claim 10, further comprising: identifying a person who would benefit from using an antioxidant with a high oxygen radical absorbance capacity.

Claim 22 (Withdrawn): A method of claim 21, wherein the composition has a lower cytotoxicity than GSPE.

Claim 23 (Withdrawn): A method of claim 21, wherein the effective amount of the composition is 18 mg/dose-270 mg/dose and the cytotoxicity of the composition is lower than 0.5 LDH units/liter.

Claim 24 (Withdrawn): A method of claim 21, wherein the composition has a higher oxygen radical absorbance capacity than an equal amount of GSPE.

Claim 25 (Withdrawn): A method of claim 21, wherein the composition has a lower cytotoxicity than an equal amount of GSPE.

Claim 26 (Withdrawn): A method for preventing or inhibiting the growth of *Helicobacter pylori* in a person, the method comprising: administering an effective amount of a composition comprised of more than one berry extract to a person, wherein the composition prevents or inhibits the growth of *Helicobacter pylori* more than any one berry extract used in the composition.

Claim 27 (Withdrawn): A method of claim 26, wherein the composition improves the ability of an antibiotic to prevent or inhibit the growth of *Helicobacter pylori*.

Claim 28 (Withdrawn): A method of claim 27, wherein the antibiotic is a range of 0.1%-5.0% concentration of clarithromycin.

Claim 29 (Withdrawn): A method of claim 27, wherein the antibiotic is preferably a range of 0.25%-1% concentration of clarithromycin.

Claim 30 (Withdrawn): A method of claim 26, wherein the effective amount of the composition is from 18 mg/dose-270 mg/dose and the cytotoxicity of the composition is lower than 0.5 LDH units/liter.

Claim 31 (Withdrawn): A method of claim 26, wherein the composition is prepared from more than one berry extract selected from the group consisting of blueberry extract, bilberry extract, cranberry extract, elderberry extract, raspberry extract and strawberry extract.

Claim 32 (Withdrawn): A composition of claim 31, wherein the blueberry extract is a wild blueberry extract, the bilberry extract is a wild bilberry extract and the raspberry extract is a raspberry seed extract.

Claim 33 (Withdrawn): A method of claim 26, wherein the composition by weight is approximately 50% blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% raspberry extract, 2.5% elderberry extract and 2.5% bilberry extract.

Claim 34 (Withdrawn): A composition of claim 26, wherein the composition by weight is 50% wild blueberry extract, 35% strawberry extract, 7.5% cranberry extract, 2.5% elderberry extract, 2.5% wild bilberry extract and 2.5% raspberry seed extract.

Claim 35 (Withdrawn): A method of claim 26, wherein the composition by weight is approximately 50% blueberry extract, 25% strawberry extract, 12.5% bilberry extract, and 12.5% is raspberry extract.

Claim 36 (Withdrawn): A composition of claim 26, wherein the composition by weight is 50% wild blueberry extract, 25% strawberry extract, 12.5% wild bilberry extract and 12.5% raspberry seed extract.

Claim 37 (Withdrawn): A method of claim 26, further comprising: identifying a person who would benefit from using a composition that prevents or inhibits the growth of *Helicobacter pylori*.

Claim 38 (Withdrawn): A method of claim 37, wherein the effective amount of the composition is from 18 mg/dose-270 mg/dose and the cytotoxicity of the composition is lower than 0.5 LDH units/liter.

Claims 39-50: (Cancelled).

Claim 51 (Previously Presented): A composition comprising two or more berry extracts, wherein the composition has a higher antioxidant capacity than any one berry extract used in the composition.

Claim 52 (Previously Presented): The composition in claim 51, wherein the composition has a higher oxygen radical absorbance capacity than the oxygen radical absorbance capacity of any one berry extract used in the composition.

Claim 53 (Previously Presented): The composition in claim 51, wherein the composition has an oxygen radical absorbance capacity above 40 Trolox equivalents/gm fresh weight basis.

Claim 54 (Previously Presented): The composition of claim 51, wherein the composition is administered in a range of approximately 18 to 270 milligrams per dose.

Claim 55 (Previously Presented): The composition in claim 51, where in the composition is administered in pill, powder, liquid, food or beverage form.

Claim 56 (Previously Presented): The composition in claim 51, where in the composition is administered as a dietary supplement, food, beverage or drug.

Claim 57 (Previously Presented): The composition in claim 51, where in the composition is administered in foods or beverages at a concentration of approximately 0.001 to 25% by weight of the total weight of said food or beverage.

Claim 58 (Previously Presented): A composition comprising of two or more berry extracts selected from the group consisting of blueberry, bilberry, cranberry, elderberry, raspberry, strawberry, blackberry, dewberry, boysenberry, loganberry, youngberries, currant, gooseberry, juniper berry, huckleberry, elderberry, thimbleberry, blackcap berry, mountain ash berry, salmonberry and other berry extracts, wherein the composition has a high oxygen radical absorbance capacity.

Claim 59 (Previously Presented): The composition in claim 58, wherein the composition has a higher oxygen radical absorbance capacity than any one berry extract used in the composition.

Claim 60 (Previously Presented): The composition in claim 58, wherein the composition has an oxygen radical absorbance capacity above 40 Trolox equivalents/gm fresh weight basis.

Claim 61 (Previously Presented): The composition of claim 58, wherein the composition is administered in a range of approximately 18 to 270 milligrams per dose.

Claim 62 (Previously Presented): The composition in claim 58, where in the composition is administered in pill, powder, liquid, food or beverage form.

Claim 63 (Previously Presented): The composition in claim 58, where in the composition is administered as a dietary supplement, food or beverage.

Claim 64 (Previously Presented): The composition in claim 58, where in the composition is administered in foods or beverages at a concentration of approximately 0.001 to 25% by weight of the total weight of said food or beverage.

Claim 65 (Previously Presented): A composition comprising of two or more berry extracts selected from the group consisting of blueberry extract, bilberry extract, cranberry extract, elderberry extract, raspberry extract and strawberry extract, wherein the composition has a higher antioxidant capacity than any one berry extract used in the composition.

Claim 66 (Previously Presented): The composition of claim 65, wherein the blueberry extract is a wild blueberry extract, the bilberry extract is a wild bilberry extract and the raspberry extract is a raspberry seed extract.

Claim 67 (Previously Presented): The composition of claim 65, wherein the composition by weight is approximately 50% blueberry extract, 35% strawberry extract, 7.5%

cranberry extract, 2.5% raspberry extract, 2.5% elderberry extract and 2.5% bilberry extract.

Claim 68 (Previously Presented): The composition of claim 65, wherein the composition by weight is approximately 50% blueberry extract, 25% strawberry extract, 12.5% bilberry extract and 12.5% raspberry extract.

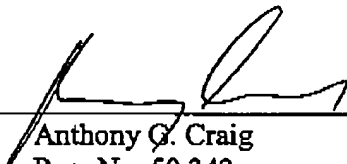
Claim 69 (Previously Presented): The composition in claim 65, wherein the composition has a higher oxygen radical absorbance capacity than any one berry extract used in the composition.

Claim 70 (Previously Presented): The composition in claim 65, wherein the composition has an oxygen radical absorbance capacity above 40 Trolox equivalents/gm fresh weight basis.

Applicant acknowledges that claims 39-50 are cancelled and elects to prosecute the previously presented claims 51-70. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5/9/06

By: 
Anthony G. Craig
Reg. No. 50,342

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910
ACraig@fdml.com

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.